

REMARKS

In the final office action, the Examiner maintained the obviousness rejections against claims 1 – 26 in view of Petch and Lundh. First, Applicants note that Lundh is not available as a reference under §103. Lundh was filed in the USPTO on 8 August 2000, and issued on 10 June 2003, while the present application was filed in the USPTO on 21 March 2001. As such, based solely on the dates, Lundh represents a potential §102(e) reference. When the present application was filed with the USPTO, Lundh and the present application were both assigned to Telefonaktiebolaget LM Ericsson. As such, under §103(c), Lundh does not qualify as prior art for a §103 rejection. For at least this reason, the §103 rejection must be withdrawn.

The §103 rejection is also invalid because there is no motivation to combine Lundh with Petch. Both Petch and Lundh teach some form of network synchronization. However, while Petch and Lundh teach different solutions to the same network synchronization problem, neither solution includes a deficiency that is solved by the other solution. In other words, both Petch and Lundh describe adequate solutions to the same problem. As such, it is unclear why or how the skilled person would be motivated to combine Lundh with Petch, or what the resulting combination would describe.

Further, the Examiner does not explain how the combination of Petch and Lundh teaches each and every limitation of the claimed invention. In particular, the Examiner does not explain how the combination teaches a BSC with "a plurality of timing units, each timing unit generating timing cells, each timing cell containing time information, and each timing unit transmitting timing cells to each one of the plurality of processor boards," as claimed in claim 1. The Examiner asserts that the GPS receiver of Petch meets the timing unit requirement of claim 1. However, the Examiner does not explain how the single GPS receiver taught by Petch teaches the multiple timing units of claim 1. Because the Examiner does not explicitly describe how the combination teaches each limitation of the claimed invention, the §103 rejection is legally insufficient and must be withdrawn.

In addition, even if Lundh is combined with Petch, the combination does not teach or suggest the claimed invention. Claim 1 explicitly requires (emphasis added):

A base station controller for a wireless network, comprising:
a plurality of processor boards, each processor board having a local timer; and
a plurality of timing units, each timing unit generating timing cells, each timing cell containing time information, and each timing unit transmitting timing cells to each one of the plurality of processor boards;
wherein a processor board realigns its local timer with time information contained in a received timing cell whenever its local timer drifts from the time information contained in the received timing cell by a predetermined offset.

Neither Petch nor Lundh are concerned with synchronizing multiple processor boards within a single network entity. Instead, these references teach synchronizing discrete network entities. The Examiner appears to believe that a skilled person would “obviously” use the teachings of Petch to synchronize multiple processor boards within a single network entity, such as a BSC, because Petch and Lundh teach network synchronization and because Applicants admit that a network entity may include multiple processor boards. However, this logic fails on many counts. First, Petch teaches that the BSC includes a single master clock and a single internal counter. Despite the Examiner’s suggestion to the contrary, nothing in Petch suggests including an individual “local” timer with each one of the various components within a single network entity, much less using such timers to synchronize individual components within the network entity.

Second, nothing in Petch or Lundh describes using a plurality of timing units, where each timing unit transmits a timing cell to each of the processor boards, as required by claim 1. At best, Petch and Lundh describe transmitting timing information from a single reference source (e.g., GPS satellite/slave timing unit) to various network entities to synchronize the network entities. This is different from transmitting timing information from multiple reference timing sources to each processor board, as claimed in claim 1. Because neither Petch nor Lundh, alone or in combination, teach or suggest a plurality of timing units, where each timing

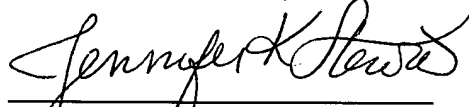
unit provides timing information to each processor board, as claimed in claim 1, the cited art does not teach the apparatus of independent claim 1.

Applicants note that independent claims 13, 21, and 24 all require the transmission of timing cells from each of a plurality of timing units to each of the plurality of processor boards. Therefore, for substantially the same reasons, the cited art does not teach the invention of claims 13, 21, and 24.

For at least the above-stated reasons, Applicants submit that the Examiner has failed to meet the legal burden of establishing an obviousness rejection as required by §103. As such, Applicants submit that claims 1 – 26 stand in condition for allowance. Applicants request that the Examiner withdraw the rejections and allow the application to move forward to allowance. Should any issues remain unresolved, Applicants request that the Examiner contact the undersigned so that such issues may be resolved expeditiously.

Respectfully submitted,

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